

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

**COMMERCIAL NOTICE OF MOTION (L) NO.1010 OF 2018
IN
COMMERCIAL SUIT NO.63 OF 2016**

Balaji FuelsApplicant

IN THE MATTER BETWEEN :

Western India Shipyard LimitedPlaintiff

Vs.

m.v. Qing and Ors.Defendants

**WITH
COMMERCIAL CHAMBER SUMMONS NO.134 OF 2018
IN
COMMERCIAL SUIT NO.63 OF 2016**

Mr. Sushanth Murth i/b. Ms. Rima Oke for applicant in NMCDL/1010/2018.
Mr. Vikramsinh Yadav for Resolution Professional appointed for plaintiff company/applicant in CHSCD/134/2018.
Ms. Nishtha Sikoria a/w. Mr. Anuj Jhaveri i/b. PSL Advocates and Solicitors for defendant nos.1 and 2.
Mr. Aman Rungta i/b. Crawford Bayley and Co. for defendant no.3.

**CORAM : K.R.SHRIRAM, J.
DATE : 25th APRIL, 2018**

P.C.:

COMMERCIAL NOTICE OF MOTION (L) NO.1010 OF 2018

1 Applicant was the successful bidder for defendant no.1 vessel. The sale was confirmed by an order dated 31st January, 2018. The time to refloat the vessel and to take her outside the Goa Port limits was granted upto and including 25th April, 2018. Applicant have taken out this notice of motion for extension of time to refloat the vessel and take her outside the Goa Port limits.

2 The counsel for applicant states that the extension be granted till 31st May, 2018 and assures that no further extension will be sought unless the delay is attributable to someone other than applicant. The counsel tenders a photocopy of the minutes of meeting held on 23rd April, 2018 at 3.30 p.m. in the Conference Hall of Goa State Pollution Control Board (GSPCB) in which the GSPCB has suggested an action plan for removal of the vessel. It is also noted that applicant may approach the Court for extension. Copy of the minutes of the meeting is taken on record and marked "X" for identification.

3 In view of what is stated in the minutes of the meeting and the assurance given by the counsel for applicant, time to refloat defendant no.1 vessel and move her out of the Goa Port limits is granted upto and including 31st May, 2018.

4 Notice of motion accordingly stands disposed. Notwithstanding disposal of the notice of motion, applicant to remove all office objections and get the notice of motion numbered within two weeks from today.

COMMERCIAL CHAMBER SUMMONS NO.134 OF 2018

1 This chamber summons is for leave to amend the cause title by bringing on record the Resolution Professional appointed by the National Company Law Tribunal, Mumbai.

2 I have perused the affidavit in support and having considered the same, I do not see any prejudice being caused to anyone if the chamber summons is allowed.

3 Therefore, chamber summons is allowed and accordingly disposed in terms of prayer clause – (a). Plaintiff to amend the cause title and serve a copy of the amended plaint within three weeks from today.

GENERAL

1 The reliefs sought in the plaint are only against defendant nos.1 to 3. Ms. Sikroria, counsel for defendant nos.1 and 2 (Ms. Sikroria undertakes to file Vakalatnama within one week from today. Undertaking accepted) and Mr. Rungta, counsel for defendant no.3 state that defendant nos.1 to 3 have filed written statement. The counsel further state that since the amendment sought was only to the cause title to bring on record the Resolution Professional in place of original plaintiff, they do not wish to file any additional written statement.

2 In the circumstances, suit be listed for issues on 13th June, 2018 on which date parties to come with agreed draft issues and a separate list of issues on which they are unable to agree.

3 In the meanwhile, parties to file their respective affidavit of documents, complete discovery and inspection and also exchange statement

of admission and denial with reasons for denial.

(K.R. SHRIRAM, J.)